



UNITED STATES PATENT AND TRADEMARK OFFICE

MN

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,176	02/26/2002	Toshitaka Hasegawa	826.1796	2408
<div>21171 7590 05/09/2007</div> <div>STAAS & HALSEY LLP</div> <div>SUITE 700</div> <div>1201 NEW YORK AVENUE, N.W.</div> <div>WASHINGTON, DC 20005</div>				
			<div>EXAMINER</div> <div>CHEN, TSE W</div>	
			<div>ART UNIT</div> <div>2116</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>05/09/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/082,176	Applicant(s) HASEGAWA, TOSHITAKA	
	Examiner Tse Chen	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A-SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03052007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2007 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on March 5, 2007 was filed before the mailing date of the first Office action after the filing of a request for continued examination under § 1.114. The submission is in compliance with the provisions of 37 CFR 1.97(b)(4). Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claims 9, 11, 13-14 are objected to because of the following informalities:
- As per claims 9 and 11, “performs a power-up process” should be “performs the power-up process”.
 - As per claim 13, “which a power supply control device” should be “which the power supply control device”.
 - As per claim 14-15, “performing a power-up process” should be “performing the power-up process”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

Art Unit: 2116

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasunori, Japanese Publication H11-345048.

6. In re claim 13, Yasunori discloses a power supply control device [11] in a computer system [fig.4] in which a power supply control device is provided for each of a plurality of information processing devices [servers; 1, 10] connected to a network [7], comprising:

- A power-down unit [portion of 11 associated with power interruption] storing a next power-up date and time [following power input time] when the next power-up date and time is received together with a power-down instruction [power interruption request], and performing a power-down process on an information processing device [server 10] of a current system [fig.4] [0004, 0020; following power input time inherently involves date of present; server 10 receives next power-up date and time together with a power-down instruction from server 1].
- A power-up unit [portion of 11 associated with power input] performing a power-up [power input] process on the current information processing device [server 10] when a power-up instruction is received or said stored power-up date and time comes and abnormally no power-up instruction is received [0004, 0014; automatic power-up based on schedule of next power-up date and time].

Art Unit: 2116

7. In re claim 14, Yasunori discloses a computer-readable storage [recording] medium storing a program used to direct a computer [e.g., server 1] to realize the functions of:

- Instructing each power supply control device [11] of other information processing devices [e.g., server 10] to perform a power-up process [power input] at each activation process [schedule] [0004, 0020; server 10 instructed to power up automatically at next scheduled time by server 1 when server 10 receives the next power-up date and time together with a power-down instruction].
- Instructing each power supply control device [11 of servers 1, 10] to perform a power-down process [power interruption] and notifying each power supply control device of a next power-up date and time [following power input time] each time power-down date and time [power interruption request] comes according to a predetermined power-up/down schedule [0020; following power input time inherently involves date of present; server 10 receives next power-up date and time together with a power-down instruction from server 1].
- Performing a power-up process if the power-up data and time comes and abnormally no power-up instruction is received [0004, 0014; automatic power-up based on schedule of next power-up date and time].

8. In re claim 15, Yasunori discloses a method of directing a computer [e.g., server 1] comprising:

- Receiving a computer program stored in a computer data signal embodied in a carrier wave [0009; i.e., reading program out of recording medium].

Art Unit: 2116

- Instructing each power supply control device [11] of other information processing devices [e.g., server 10] to perform a power-up process [power input] at each activation process [schedule] with the computer program [0004, 0020; server 10 instructed to power up automatically at next scheduled time by server 1 when server 10 receives the next power-up date and time together with a power-down instruction].
- Instructing each power supply control device [11 of servers 1, 10] to perform a power-down process [power interruption] and notifying each power supply control device of a next power-up date and time [following power input time] each time power-down date and time [power interruption request] comes according to a predetermined power-up/down schedule [0020; following power input time inherently involves date of present; server 10 receives next power-up date and time together with a power-down instruction from server 1].
- Performing a power-up process if the power-up data and time comes and abnormally no power-up instruction is received [0004, 0014; automatic power-up based on schedule of next power-up date and time].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 5-9, 11-12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya.

Art Unit: 2116

11. In re claims 1 and 16, Tsuchiya discloses a power supply control method in a system [fig.4] in which a power supply control device [11] is provided for each of a plurality of information processing devices [1, 10] connected to a network [7] [0007], comprising:

- A representative information processing device [server 1] of the plurality of information processing devices normally issuing, according to a predetermined power-up/down [power input/interruption] schedule of said arbitrary information processing device and other information processing devices [e.g., server 10], a power-down instruction [power interruption request] to each power supply control device of the other information processing devices upon each activation [0007, 0020; server 1 transmits power-down instruction to server 10 when executing power interruption schedule].
- Instructing each of the other information processing devices [server 10] to perform a power-down [power interruption] process, notifying each of the other information processing devices of a next power-up date and time [following power input time], and having each power supply control device enter a next power-up date and time each time a power-down date and time comes [power interruption request] [0020; following power input time inherently involves date of present; server 10 receives next power-up date and time together with a power-down instruction from server 1].
- Each power supply control device of said other information processing devices performing a power-up process if the entered power-up date and time comes and the representative information processing device abnormally issues no power-up instruction to each power supply control device of the other information processing devices [0004, 0014; automatic power-up based on schedule of next power-up date and time].

Art Unit: 2116

12. Tsuchiya did not disclose explicitly the representative information processing device also issuing, according to a predetermined power-up/down schedule, a power-up instruction to each power supply control device of the other information processing devices upon each activation [i.e., server 1 transmits power input request to server 10 not explicit]. However, reading the prior art as a whole, it is apparent that Tsuchiya implicitly suggests server 1 to be the central server that would have control over server 10 [e.g., fig.4 shows scheduling information attached to 1 exclusively; 0020 discloses server 1 to be the one issuing the power down instruction]. Hence, it would be expected that server 1 can also issue according to the predetermined power-up/down schedule [attached to server 1], a power-up instruction to server 10 upon activation, at least in the initial instance before the first next power-up date and time is entered by server 10.

13. Examiner hereby takes Official Notice that it is well known in the art to have a central server [e.g., 1] issuing a power-up instruction to another computer [e.g., 10] according to a predetermined power-up schedule. It would have been obvious to one of ordinary skill in the art, having the teachings of Tsuchiya before him at the time the invention was made, to explicitly have the representative information processing device normally issuing, according to a predetermined power-up/down schedule of said representative information processing device and other information processing devices, a power-up instruction to each power supply control device of the other information processing devices upon each activation. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to get the first next power-up date and time entered [initial setting of server 10 that does not yet have a next power-up date and time – i.e., can't power up by self yet] or provide updates [wake up server 10 with updates of a new/changed next power-up date and time] [0020].

Art Unit: 2116

14. In re claim 2, Tsuchiya discloses each and every limitation as discussed above in reference to claim 1. Tsuchiya discloses, issuing a power-down instruction to each of the other information processing device each time a power-down date and time comes [0007, 0020; server 1 transmits power-down instruction to server 10 when executing power interruption schedule].

15. In re claims 5-6, Tsuchiya discloses each and every limitation as discussed above in reference to claims 1-2, respectively. Tsuchiya discloses, wherein said representative information processing device does not give the power-down instruction and the next power-up date and time before a power-down permission condition [client does not exist] entered in advance of a current and other information processing devices is satisfied although the power-down date and time comes [0016, 0020; server 1 executing power interruption process checks permission condition that no client exists before sending power interruption request with a next power-up date and time to server 10].

16. In re claim 9, Tsuchiya discloses each and every limitation as discussed above in reference to claim 1. Tsuchiya discloses the method of operating the apparatus that is a representative information processing device; therefore, Tsuchiya disclose the apparatus which is a representative information processing device [i.e., server 1].

17. As to claims 7-8 and 12, Tsuchiya discloses, wherein said power-up instruction or power-down instruction is sequentially issued at predetermined startup intervals or power-down intervals [schedule data] [0015].

18. In re claim 11, Tsuchiya discloses each and every limitation as discussed above in reference to claim 5. Tsuchiya discloses the method of operating the apparatus that is a

Art Unit: 2116

representative information processing device; therefore, Tsuchiya disclose the apparatus which is a representative information processing device [i.e., server 1].

19. Claims 3-4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya as applied to claims 1-2 and 9 above, and further in view of Budnik et al., European Publication 0499564A2, hereinafter Budnik.

20. Tsuchiya discloses each and every limitation as discussed above. Tsuchiya discloses, wherein said power-up [power input] date and time given to each of said power supply control devices of said other information processing devices is obtained by any of said information processing devices [server 1] or each of said other information processing devices [0007].

Tsuchiya did not disclose automatically adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule.

21. Budnik disclose a power supply control method in a system [10], comprising automatically adding an arbitrary margin to a power-up date and time in said predetermined power-up/down schedule [col.6, ll.32-43; resetting with arbitrary margin to next power up that would not cause abnormal operations].

22. It would have been obvious to one of ordinary skill in the art, having the teachings of Budnik and Tsuchiya before him at the time the invention was made, to modify the system taught by Tsuchiya to include the teachings of Budnik, to obtain the claimed power supply control method. One of ordinary skill in the art would have been motivated to make such a combination as it provides a way to avoid abnormal operations due to incomplete powering sequences [Budnik: col.6, ll.36-37].

Response to Arguments

23. Applicant's arguments filed February 5, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tse Chen whose telephone number is (571) 272-3672. The examiner can normally be reached on Monday - Friday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tse Chen
May 3, 2007